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10/007,129	12/03/2001	Alfred Eisenberg	CSM-0002	2157

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EXAMINER

DIVECHA, KAMAL B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,129

Applicant(s)

EISENBERG, ALFRED

Examiner

KAMAL B. DIVECHA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Claims 1-54 are pending in this application.

Applicant's arguments filed 7/14/06 have been fully considered but they are not persuasive.

In response filed, applicant argues in substance that:

- a. Tang makes no mention of the ability to launch any service, particularly a videoconference, using a communication uniquely within a chat room (remarks, page 13).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., using a communication uniquely within a chat room) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim 1, 28 simply states:

A system, which may be used with at least two client nodes which are adapted to communicate with one another via an instant messaging utility and further which are adapted to communicate with one another via a video conference utility, comprising:

an instant messaging server for supporting instant messages between the at least two client nodes;

a second server for supporting a video conference between the at least two client nodes;
and

a video conference resource allocator, communicatively coupled to said instant messaging server and said second server, said video conference resource allocator adapted to allocate video conference resource in said second server in response to a request for a video conference from said instant messaging server, such that a video conference may be initiated between the at least two client nodes, and further adapted to communicate to the at least two

client nodes, via said instant message server, resource information enabling the at least two client nodes to join the video conference.

The claims simply suggest that the videoconference between two clients is established through an instant messaging server (i.e. a communication server).

b. Again, the reference does not teach or suggest, “a video conference resource allocator adapted to allocate video conference resources...in response to a request for a video conference from said instant messaging server.” Therefore, Tang also fails to teach or suggest an instant message server capable of causing the initiation of a videoconference by way of instant messaging (remarks, page 13, 14, 15, 16, 17).

In response to argument [b], Examiner disagrees at least for the following reasons:

Applicant argues in various parts of the remarks (filed on 7/14/06) that none of the references teach or suggest “a video conference resource allocator adapted to allocate video conference resources...in response to a request for a video conference from said instant messaging server”, However, the specification merely describes a conference allocator. For example: Applicant specification discloses:

1.3. Smart Conference Allocator (page 10 of applicant specification)

The smart conference allocator is responsible for creating conferences in an application service provider (ASP) video conferencing environment.

1.3 The conference Allocator Plug-in (page 19 of applicant specification)

“The conference allocator plug-in creates a videoconference on the videoconference server (MCU) that will host the IM client/video conferencing client session...”

2.6 Conference Allocator to IM Router Messages (page 25 of specification)

“This section describes messages sent by the conference allocator to the IM router.”

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In other words, a videoconference allocator is configured to create a conference between the two clients. The specification does not describe a videoconference allocator for allocating resources...in response to a request for a videoconference from said instant messaging server.

It may be assumed that the videoconference allocator is configured to create a videoconference between two clients by inherently allocating videoconference resources ...in response to request for a videoconference from said instant messaging server

Tang, on the other hand, teaches, discloses and suggests the communication architecture supporting connections between group members in a variety of modes, i.e. audio, video, text, as a function of the user's preferences and the ability to support a given connection type.

As per Tang, the invention makes use of the existing communication facilities of the user's computer and network to integrate such facilities into the user interface mechanism providing access to other workgroup members (col. 3 L38 to col. 4 L28).

Tang teaches, "the gallery window provides access to various communication services through a contact button...The gallery mechanism in conjunction with communications server provided as part of the computer environment and network, then selects a communication mechanism such as video conferencing...based on user preferences...Where the gallery mechanism initiates a desktop videoconference, there is provided a further window on the user's embodiment to facilitate this function. Fig. 3...if a worker is already engaged in a desktop videoconference when the current worker attempts to communicate with that worker, the glance window displays the names of the participants and/or provides their images...(col. 7 L65 to col. 8 L51)."

Therefore, Tang does disclose the process of creating a videoconference between the two clients, as evident above. So technically, it would be reasonable to conclude that Tang also inherently discloses a videoconference allocator for allocating resources, since the applicant specification only describes a videoconference allocator for creating a videoconference.

Furthermore, Tang discloses the process of videoconferencing through a chat room, known as Integrated Chat rooms.

Tang teaches, “the worker enters a chat room by selecting its icon (e.g. by double clicking or selecting the icon and clicking on the contact button), which causes the display of chat room interaction...In the chat room window, there is displayed the icon associated with each worker who is presently in the chat room. If a worker’s computer supports video, their video is used as their icon in the chat room (i.e. ongoing video)...(col. 8 L60 to col. 9 L36).”

In other words, Tang explicitly teaches initiating a videoconference through the integrated chat rooms, as evident above.

Therefore, based on the above discussion, It is clear Tang indeed discloses, teaches or suggests an instant message server (i.e. a communication sever, see also, col. 14 L15-65) capable of causing the initiation of a videoconference by way of instant messaging.

c. There is no motivation or suggestion to modify the teachings of Gudjonsson, Tang, and Bruno (remarks, page 17).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please note, technically, there is no need of modifying Gudjonsson and Tang in view of Bruno, because Tang does inherently disclose a videoconference resource allocator as set forth above by simply establishing a videoconference between two clients, at least based on the applicant specification.

Also note that, Tang's teaching is sufficient enough to be read onto the claims, at least based on the applicant specification because claims are interpreted in light of specification, However, the Examiner introduced the Bruno reference, in order to establish a proper *prima facie case of obviousness*, without ignoring the inherent feature of the claim.

In any case, even if the modification was necessary as set forth in the rejection, the motivation and/or suggestion are clearly stated in the rejection.

Claim 1 remains rejected as follows:

As per claim 1, 28, Gudjonsson teaches a system which two client nodes a adapted to communicate with one another via a video conference utility (col.7, lines 42-51); a second server for supporting a video conference between video conference participants using the at least two client nodes (col.7, lines 42-51); such that a video the at least two client nodes, and further adapted to communicate to the at least two client nodes, via said instant message server, resource information enabling the at least two client nodes to join the video conference(col.7, lines 42-51).

Gudjonsson however does not explicitly teach a system which may be used with at least two client nodes which are adapted to communicate with one another via an instant messaging utility; an instant messaging server for supporting instant messages between the at least two client nodes, requesting a video conference.

Tang teaches a system which may be used with at least two client nodes which are adapted to communicate with one another via an instant messaging utility (Abstract, col.3, lines 59-67); an instant messaging server for supporting instant messages between the at least two client nodes (col.3, lines 59-67), and requesting a video conference (col.8, lines 6-28).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gudjonsson to explicitly use a chat server as taught by Tang in order to provide text communication between two users.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Gudjonsson and Tang to provide a system for a user to communicate with text, video, and audio, i.e. in order to facilitate audio and video conferencing within a chat room (Tang, Fig.11, col. 4 L15-28, col. 8 L3-48, col. 8 L60 to col. 9 L36)

Gudjonsson in view of Tang however does not explicitly teach a resource allocator to allocate resources for a videoconference.

Bruno teaches a resource allocator to allocate resources for a videoconference (col.4, line 62-col.5, line 10).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gudjonsson in view of Tang to explicitly use resource allocation for a video conference as taught by Bruno in order to provide enough resources to establish a video conference (Bruno, col.2, lines 58-67).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Gudjonsson, Tang, and Bruno, in order to provide a system to have enough resource to establish a video conference between two users (**Bruno, col.2, lines 58-67**).

In this case, the motivation or suggestion for modification of Gudjonsson, Tang, and Bruno are explicitly stated in Tang, and Bruno.

Therefore, the examiner has explicitly established a proper *prima facie case of obviousness* stating each and every element required for establishing *prima facie case of obviousness*, based on MPEP § 2143.

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For the at least reasons set forth above, the REJECTION IS MAINTAINED.

Detailed Action

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-14, 17-24, 27-33, 36-41, 44-51, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,564,261 issued to Gudjonsson et al. (Gudjonsson) in view of US Patent 5,793,365 issued to Tang et al. (Tang) in further view of US Patent 6,020,915 issued to Bruno et al. (Bruno).

As per claim 1, 28, Gudjonsson teaches a system which two client nodes adapted to communicate with one another via a video conference utility (col.7, lines 42-51); a second server for supporting a video conference between video conference participants using the at least two client nodes(col.7, lines 42-51); such that a video the at least two client nodes, and further adapted to communicate to the at least two client nodes, via said instant message server, resource information enabling the at least two client nodes to join the video conference(col.7, lines 42-51).

Gudjonsson however does not explicitly teach a system which may be used with at least two client nodes which are adapted to communicate with one another via an instant messaging

utility; an instant messaging server for supporting instant messages between the at least two client nodes, requesting a video conference.

Tang teaches a system which may be used with at least two client nodes which are adapted to communicate with one another via an instant messaging utility (Abstract, col.3, lines 59-67); an instant messaging server for supporting instant messages between the at least two client nodes (col.3, lines 59-67), and requesting a video conference (col.8, lines 6-28).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gudjonsson to explicitly use a chat server as taught by Tang in order to provide text communication between two users.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Gudjonsson and Tang to provide a system for a user to communicate with text, video, and audio, i.e. in order to facilitate audio and video conferencing within a chat room (Tang, Fig.11, col. 4 L15-28, col. 8 L3-48, col. 8 L60 to col. 9 L36)

Gudjonsson in view of Tang however does not explicitly teach a resource allocator to allocate resources for a videoconference.

Bruno teaches a resource allocator to allocate resources for a videoconference (col.4, line 62-col.5, line 10).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gudjonsson in view of Tang to explicitly use resource allocation for a video conference as taught by Bruno in order to provide enough resources to establish a video conference (Bruno, col.2, lines 58-67).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Gudjonsson, Tang, and Bruno, in order to provide a system to have enough resource to establish a video conference between two users (Bruno, col.2, lines 58-67).

As per claim 2,10,20,29,37,47, wherein at least one of the videoconference participants participates in the videoconference via the public switched telephone network (PSTN)(Gudjonsson, col.7, line 42).

As per claim 3, 11, 21,30,38, 48, wherein at least one of the videoconference participants participates in the videoconference via cellular communication (Gudjonsson, col.3, line 53-54).

As per claim 4, 12,22, 31, 39, 49, wherein at least one of the videoconference participants participates in the videoconference via a computer (Gudjonsson, col.3, line 57).

As per claim 5,13,23,32,40,50, wherein at least one of the videoconference participants participates in the videoconference via a network gateway (Gudjonsson, Fig.1-6).

As per claim 6,14,24,33,41,51, wherein at least one of the videoconference participants participates in the videoconference via a video conferencing standard protocol (Gudjonsson, col.7, line 60).

As per claim 9,19,36,46, wherein the instant messaging server contains information related to communication modes of the client nodes used to participate in the video conference (Gudjonsson, col.7, lines 35-67, Tang, col.9, lines 22-37). Motivation to combine set forth in claim 1.

As per claim 17,44, further comprising a database communicatively coupled to said instant messaging server for storing information related to the client nodes used to initiate the

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video conference (Gudjonsson, col.7, lines 35-67, Tang, Fig.10). Motivation to combine set forth in claim 1.

As per claim 18,45, wherein the instant messaging server receives the information from the database (Gudjonsson, col.7, lines 35-67, Tang, Fig.10). Motivation to combine set forth in claim 1.

As per claim 27, 54, wherein the second server is a network video conferencing server, which supports videoconferences using a network video conferencing protocol (Gudjonsson, col.7, line 60).

Claims 7, 8, 15, 16, 25, 26, 34, 35, 42, 43, 52, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,564,261 issued to Gudjonsson et al. (Gudjonsson) in view of US Patent 5,793,365 issued to Tang et al.(Tang) in further view of US Patent 6,020,915 issued to Bruno et al.(Bruno) in further view of US Patent 6,640,239 issued to Gidwani.

Gudjonsson in view of Tang in further view of Bruno teaches all the limitations of claim 1, 28, however does not explicitly teach as per claim 7,8,15,16,25,26,34,35,42,43,52,53 wherein at least one of the video conference participants participates in the video conference via an ISDN standard protocol and ATM standard protocol.

Gidwani teaches using ISDN and ATM stand protocol (col.28, lines 14-64). Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gudjonsson in view of Tang in further view of Bruno to use ISDN and ATM standard protocol as taught by Gidwani in order to use different protocol for communication.

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One ordinary skill in the art would have been motivated to combine the teachings of Gudjonsson, Tang, Bruno and Gidwani in order to provide a system where one is not limited to the use of one specific type of protocol for communication.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Liversidge et al., Pub. No.: US 2002/0076025 A1: Method and System for Automatic Handling of Invitations to join communications session in a virtual team environment.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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